



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/643,428

08/19/2003

Douglas Marquis

0050.2057-000

4550

21005

7590

04/30/2008

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

530 VIRGINIA ROAD

P.O. BOX 9133

CONCORD, MA 01742-9133

EXAMINER

DADA, BEEMNET W

ART UNIT

PAPER NUMBER

2135

MAIL DATE

DELIVERY MODE

04/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/643,428	<b>Applicant(s)</b> MARQUIS ET AL.	
	<b>Examiner</b> BEEMNET W. DADA	<b>Art Unit</b> 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 12, 2008 has been entered. Claims 1, 13 and 25 have been amended. Claims 1-34 are pending.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Moore "Network Pump(NP) Security Target", May 29, 2000 (hereinafter Moore) in view of Goldschlag, David M, "Several Secure Store and Forward Devices", 1996 (submitted with PTO 892, 03/30/07).

As per claim 1, 13, 25 and 26-34, Moore teaches a method of communicating data from a low security assurance source to a high security assurance destination (see section page 1, section 1.2 and page 3, chapter 2) comprising:

receiving data from a low security assurance source according to a communication protocol and transferring the data to a high security assurance destination according to the communication protocol (i.e., NP receiving data from Low Wrapper and transferring the data to high Wrapper) [page 6, steps 2 and 3] ;

receiving a high end acknowledgment according to the communication protocol from the high security assurance destination (i.e., NP receiving acknowledgment from High Wrapper) [page 6, step 4];

generating an acknowledgment trigger signal in response to the high end acknowledgment (i.e., NP generating an acknowledgment delay based on the current value of moving average, note that the value of moving average is based on acknowledgment received from the High Wrapper)[page 6, steps 2-4]; and

generating a low end acknowledgment according to the communication protocol in response to the acknowledgment trigger signal (i.e., NP transmitting an acknowledgment to the Low Wrapper) [page 6, steps 2-4]. Moore is silent on generating an acknowledgment trigger signal in direct response to the hind end acknowledgment for the data. However, Goldschlag teaches receiving a high end acknowledgment for transmitted data, generating an acknowledgment trigger signal in direct response to the high end acknowledgment for the data, and generating a low end acknowledgment for the data (i.e., section, 4.1, pages 134-135, and section 4.4, pages 135-136, High workstation sending ACK signal to LOW workstation, through capacitor/flow controller down-grader). Both Moore and Goldschlag are directed to communication of data from low to high security assurance nodes. It would have been obvious

to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Goldschlag within the system of Moore in order to provide direct response from a high end security node to a low end security node without compromising security.

As per claims 2 and 14, Moore further teaches the method further comprising:  
determining whether to generate an acknowledgment trigger signal [page 6, step 2].

As per claims 3 and 15, Moore further teaches the method wherein determining whether to generate the acknowledgment trigger signal comprises: determining whether the high end acknowledgment includes information data and generating no acknowledgment trigger signal if information data is included in the high end acknowledgment [page 6, step 2 and pages 38-39].

As per claims 4 and 16, Moore further teaches the method wherein determining whether to generate the acknowledgment trigger signal comprises: determining whether the low security assurance source is authorized to receive acknowledgments, and generating no acknowledgment trigger signal if the low security assurance source is not authorized [page 6, step 2 and pages 38-39].

As per claims 5 and 17, Moore further teaches the method further comprising: delaying the acknowledgment trigger signal in order to delay generation of the low end acknowledgment [page 6, step 2].

As per claims 6, 7, 18 and 19, Moore further teaches the method wherein the acknowledgment trigger signal includes header data for generating the low end acknowledgment [page 6, steps 2-4].

As per claims 8-12 and 20-24, Moore further teaches the method wherein the acknowledgment trigger signal is an binary enable signal and tracking a sequence of plural data transmission units transferred to the high security assurance destination and generating the acknowledgment trigger signal if the received high end acknowledgment corresponds to a next unacknowledged data transmission unit in the tracked sequence [page 6, steps 2-4, 7 and page 7, Message and Acknowledgment Ordering section].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/643,428  
Art Unit: 2135

Page 6

/Beemnet W Dada/  
Art Unit 2135

April 26, 2008